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February 12, 2025


Via ECF

Hon. Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Plaintiff has filed an amended complaint. Dkt. No. 16. Therefore, the motion to dismiss at Dkt. No. 12 is DENIED as moot. The parties shall file a proposed Case Management Plan as stated in the Notice of Initial Pretrial Conference.

Date: 2/13/2025

SO ORDERED.


LEWIS J. LIMAN
United States District Judge

Re: *Peppenella v. Algenist LLC, et al.*, 1:24-cv-08688-LJL (S.D.N.Y.)

Dear Judge Liman:

We write on behalf of Defendant Tengram Capital Partners LP (“Tengram”) in the above-referenced matter. This letter is to inform the Court that, pursuant to Local Civil Rule 6.1(b)(2), the deadline for Plaintiff to oppose Tengram’s Motion to Dismiss the Complaint (ECF No. 12) was February 5, 2025.¹ As of today’s date, no opposition to Tengram’s Motion to Dismiss has been filed, and so Tengram respectfully requests that it be considered fully briefed and that its unopposed motion be granted, as Plaintiff has waived the issues raised therein. *See, e.g., Johnson v. AFNI, Inc.*, 2023 WL 2970919, at *1 (S.D.N.Y. Apr. 15, 2023) (“[T]he plaintiff’s failure to respond to the defendants’ motions to dismiss is enough on its own to justify dismissal of the complaint, because the failure to oppose a motion to dismiss a claim is deemed abandonment of the claim.”) (quotation omitted); *BYD Co. Ltd. v. VICE Media LLC*, 531 F. Supp. 3d 810, 819 (S.D.N.Y. 2021) (“[F]ailure to oppose Defendants’ specific argument in a motion to dismiss is deemed waiver of that issue.”) (citation omitted).

Additionally, Tengram seeks the Court’s guidance with respect to the Notice of Initial Pretrial Conference and the proposed Case Management Plan and Scheduling Order. (ECF No. 14). In light of the unopposed motion to dismiss, Tengram requests clarification as to whether it is necessary to file a proposed Case Management Plan and Scheduling Order.

Respectfully submitted,

/s/ Randi W. Singer
Randi W. Singer

cc: All Counsel of Record (via ECF)

¹ No request for an extension of this deadline has been submitted.